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**SINGLE BENCH**

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH

AT BILASPUR

W.P.NO. 4010 / 2005

Petitioner :

Hari Shankar Lahare  
S/o Shri Shambudayal Lahare,  
Aged about 39 years,  
Sarpanch Gram Panchayat  
Samesar, R/o Village Samesar,  
Post - Nandal,  
Tehsil - Navagarh,  
Dist : Durg-(C.G.)

P.R. No. 4108/05  
Presented by Mr. A.K. Tiwari  
dated 17/3/05

Versus

Respondents :

1. State of Chhattisgarh  
Through The Secretary,  
Department of Panchayat and Social  
Welfare, Mantralaya Raipur,  
Dist : Raipur-(C.G.)

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2. Rajkumar Didore  
S/o Shri Padumlal Didore,  
Aged about 30 years,  
R/o Village - Cheetapar,  
Post & Tehsil - Navagarh,  
Dist : Durg-(C.G.)

3. Girwar Singh  
S/o Shri Thanwar  
Aged about 61 years  
R/o Village - Kapri,  
Tehsil - Navagarh,  
Dist : Durg-(C.G.)

4. Dauram Banjare  
S/o Milauram Banjare,  
Aged about 50 years,  
R/o Village - Kapri,  
Tehsil - Navagarh,  
Dist : Durg-(C.G.)

5. Dinesh Kumar  
S/o Shri Puhoop Das Satnami,  
Aged about 37 years,  
R/o Village - Cheetapar,  
Tehsil - Navagarh,  
Dist : Durg-(C.G.)

6. Deepak Kumar  
S/o Shri Banshilal Banjare,  
Aged about 30 years  
R/o Village - Kapri,  
Tehsil - Navagarh,  
Dist : Durg-(C.G.)



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7. ✓ Maniram  
S/o Shankar Jogi  
Aged about 32 years,  
R/o Village - Cheetapur,  
Tehsil - Navagarh,  
Dist : Durg-(C.G.)
8. ✓ Milau Ram,  
S/o Santuram Sahu,  
Aged about 50 years,  
R/o Village - Samesar,  
Tehsil - Navagarh,  
Dist : Durg-(C.G.)
9. ✓ Ramdas Manikpuri  
S/o Guhadas Manikpuri  
Aged about 35 years  
R/o Village - Samesar  
Tehsil - Navagarh,  
Dist : Durg-(C.G.)
10. ✓ Ramratan  
S/o Bhakla Chaturvedi  
Aged about 32 years,  
R/o Village - Cheetapur  
Tehsil - Navagarh,  
Dist : Durg-(C.G.)
11. ✓ Shiv Kumar  
S/o Shri Sundardas Vaishnav,  
Aged about 35 years,  
R/o Village - Samesar,  
Tehsil - Navagarh,  
Dist : Durg-(C.G.)
12. ✓ Shri M.L.Gupta  
Sub Divisional Officer Bemetra cum  
Returning Officer, Block - Navagarh,  
Tehsil - Navagarh, Dist : Durg-(C.G.)
13. ✓ Shri D.S.Ratre  
Instructing Officer, ITI Bemetra,  
Dist : Durg-(C.G.)
14. ✓ Shri B.R.Soni  
Instructing Officer, ITI Bemetra,  
Dist : Durg-(C.G.)
15. ✓ The Sub Divisional Officer,  
Cum Prescribed Authority Bemetra,  
Dist : Durg-(C.G.)



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WRIT PETITION UNDER ARTICLE 226 / 227 OF THE  
CONSTITUTION OF INDIA

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...W.P.No. 4010/05... सन् 200

## आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक<br>तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार<br>के अन्तिम आदेश |
|------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
|                                    | <p><u>5-9-2005</u></p> <p>Shri Prafulla Bharat, learned counsel for the petitioner.</p> <p>Shri Sandeep Dubey, Govt. Advocate for the State.</p> <p>By the instant writ petition, the petitioner has questioned the legality, propriety and correctness of the order dated 8-8-2005 whereby the petitioner's objection application has been rejected.</p> <p>Brief facts leading to filing of this writ petition are that the petitioner herein and respondent No.2 amongst other persons contested for the post of Sarpanch of village Samesar and the petitioner herein was declared elected. The election of the petitioner to the post of Sarpanch was questioned by respondent No.2 under Section 122 of the Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993. After receiving the notice, the petitioner herein moved an application to the effect that compliance of Rule 3 of the Chhattisgarh Panchayats (Election Petitions, Corrupt Practices and Disqualification For Membership) Rules, 1995 has not been complied with which is a mandatory provision. In para-5 of the application it was mentioned that copy of the petition and documents annexed with the petition, which were served upon the petitioner herein were not attested by the petitioner. Therefore, in the circumstances, same is liable to be rejected. However, learned Specified Officer rejected the said</p> |                                                           |

## उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

## आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक<br>तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार<br>के अन्तिम आदेश |
|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| Barve                              | <p><i>Impugned</i><br/>application by <del>an</del> impugned order, which is under challenge in this petition.</p> <p>I have heard learned counsel for the petitioner.</p> <p>After going through the application and the impugned order, this writ petition is disposed of with an observation that the petitioner herein is entitled to raise an objection in return and learned Specified Officer to frame issue on that point and decide the same in accordance with law as preliminary issue. However, it is made clear that the order impugned shall not come in way while deciding the issue regarding objection raised by the petitioner.</p> <p>Consequently, M.(W.)P. No.3310/2005 also stands disposed of.</p> <p>Parties are entitled for certified copy of this order.</p> | <p>Sd/-<br/>L.C. Bhadoo<br/>Judge</p>                     |

8.9.05